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I N D E X

Witnesses:	Direct	Cross	Re-direct	Re-cross	By Judge
	(None presented.)				

E X H I B I T S

Number	For Identification	In
Evidence	(None marked.)	

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THE COURT: Pursuant to the authority of Illinois Commerce Commission, I now call Docket 03-0666. This is Anna K. Hessel versus Commonwealth Edison Company. It's a complaint as to billing in Wood Dale, Illinois.

May I have the appearance for the record, please.

MS. FRANCO-FEINBERG: Appearing on behalf of Commonwealth Edison Company, Felicia Franco-Feinberg, Exelon Business Services, 10 South Dearborn, Floor 35, Chicago, Illinois 60603.

THE COURT: Okay. Thank you.

This was to have been a status hearing today. There are some matters that we will take care of and then continue the case.

By way of a brief summary, there was an issue raised by the complainant as to the date of this hearing today. And basically what happened was she had inquired in two voice mail messages on Monday, the 5th, very early in the

1 morning and then Tuesday, the 6th, midday as to
2 the time of the hearing.

3 At the afternoon of the 6th,
4 simply to answer the question of what the date of
5 the hearing was, I read to her the notice that
6 was sent, indicating that the notice was sent to
7 her at her address of record on December 15th and
8 that the notice was exactly the text of the
9 notice, just simply stating that notice is hereby
10 given that the hearing in the above entitled
11 matter was scheduled for December 16, 2003 at the
12 hour of 10:30 and a settlement conference was to
13 be held at 9:30 prior to the hearing. And I also
14 indicated that that notice and other documents
15 related to the case were available on the
16 Commission website.

17 All of this was, of course,
18 following from the hearing that was held on
19 November 12th. This was to have been the
20 continuance of filing that the December 16th
21 hearing had been continued at the complainant's
22 request after she had sent a fax to the company

1 -- to me requesting a continuance.

2 In any case, that upon learning
3 that she had the hearing scheduled for today,
4 December 8th, that started a stream of voice
5 mails from her at mostly late hours of the
6 evening. And basically she was in those voice
7 mails complaining about the fact that the hearing
8 was today, that she did not have enough notice of
9 hearing. And then, as you'll hear, and we'll
10 play the voice mails, that she did not have
11 access even to the notice that was posted to the
12 website and, therefore, was not following the
13 case that way, as had been recommended in the
14 last hearing as a possibility to her.

15 It became apparent also that she
16 did not change her address, as she was instructed
17 to do at the last hearing. Having moved, she did
18 not, in fact, file the letter to provide notice
19 to the clerk's office to change the address. And
20 apparently, the mail forwarding that she said she
21 was going to have either didn't work in this case
22 or wasn't set up or there's something else going

1 on.

2 In any case, I don't find these
3 arguments to be particularly impressive in light
4 of the fact that there were multiple steps that
5 were discussed as ways for her to keep on top of
6 the case. And certainly there was enough time
7 between December 15th for the letter to actually
8 be forwarded to her address if she, in fact, set
9 that up.

10 All that said, we have these voice
11 mails, which I'll play for the record, and after
12 that, we'll continue the matter unless there's
13 anything further.

14 So with that, let's go off the
15 record and I'm going to log into the voice mail
16 system messages.

17 (Whereupon, there was a
18 brief recess taken.)

19 THE COURT: Back on the record.

20 These first two were just the
21 request for the date of the hearing, and then
22 after that, the third message onward follows the

1 responses indicated.

2 Monday, 3:02 a.m. Hi. This is
3 Anna Kasanovich Hessel. I'm calling, we haven't
4 received a notice yet by regular or certified
5 mail as to when our ComEd hearing is going to be.
6 So I just wanted to touch base, since it's
7 already coming up on the 5th of January, to see
8 about, you know, when the hearing will be.

9 We need at least five days notice
10 in order to get the time off and also to arrange
11 baby-sitter, since a friend who we normally use
12 as a baby-sitter will be testifying as one of our
13 witnesses.

14 I know this is just a fax line,
15 but if we have to appear in person, then we will
16 need at least five days notice. We prefer
17 written notice. It would make it easier for us
18 to get the time off if we actually had something
19 in writing.

20 I know we had problems getting the
21 certified letter before, but we've received no
22 notice for a certified letter and we've received

1 nothing via regular mail either. So I just
2 wanted to touch base and see if a hearing date is
3 scheduled at this point in time. 630-833-0812,
4 630-833-0812.

5 If you need to fax us the time and
6 date of the hearing, that's fine, too, but I
7 would need to turn the fax number on at that
8 number. My phone is also a fax. You can call at
9 your convenience, please, and leave a message for
10 us at this phone number. And we are still
11 waiting to get a notification for the hearing.
12 Thank you. Happy New Year and blessings.

13 Tuesday, 12:01 p.m. Hi, Judge
14 Brodsky. This is Anna Kasanovich Hessel calling
15 you back. I left a message for you a couple of
16 days ago, I think day before yesterday. I have
17 not received any letter via either certified --
18 you know, we had some issues with that at my old
19 post office -- via either certified mail or
20 regular mail as to when our hearing in January
21 will be for Commonwealth Edison.

22 I tried calling the chief clerk's

1 office yesterday, some lady by the name of
2 Elizabeth Rolando, and I spoke with Mary Sanders
3 in her office, and she didn't have any
4 information for me either. And I asked if
5 anything had been mailed, either certified or
6 regular mail, in regards to the hearing. And she
7 said I would need to call you back.

8 It's about noon. It is about
9 noon, lunchtime, on Tuesday. And unfortunately,
10 I won't be able to call you back today. We need
11 at least five days notice in order to get the
12 time off, you know, for my husband to bring me
13 for the hearing. And the reason I'm calling
14 because it's already the 6th and we haven't heard
15 anything from you in regards to the hearing or
16 from the Commission in regards to the hearing,
17 and also because on the 12th of -- the January
18 12th, the morning, between 8:00 a.m. and noon,
19 I'm having my phone service switched to a new
20 carrier and we would be unavailable on the 12th
21 in the morning.

22 And just in case that's the day

1 you've chosen for the hearing, I wanted to make
2 sure it could possibly be an afternoon hearing.
3 But I don't know if that's the day you've chosen
4 because we haven't gotten a letter or anything
5 yet.

6 So, I'm just basically touching
7 base in regards to, you know, letting you know we
8 haven't heard anything. I'm not trying to rush
9 you, I know you probably have a lot of hearings
10 in January. But please, please, please make sure
11 we have at least five days -- (message ends.)

12 Wednesday, 1:00 a.m. Hi,
13 Mr. Brodsky. This is Anna Kasanovich Hessel. I
14 got your message when I got home from church.
15 It's Eastern Orthodox Christmas. So when I got
16 home from church this evening, we got your
17 message. I'm going to assume the message is from
18 you because I recognized your voice but the party
19 didn't leave a name.

20 We have not received any letter or
21 any notification whatsoever regarding any
22 hearing, fact finding hearing, hearing --

1 settlement Commission or whatever it's called for
2 the 8th or any other date. That's why I've been
3 calling you since last week requesting to know
4 what was going on.

5 And that's why I put a call in to
6 Springfield to the chief of clerk's office and
7 spoke with the woman that I mentioned -- honey,
8 can you pull her name up again, please? And she
9 had nothing -- what is it, Mary Sanders. And
10 Mary Sanders had no record of anything being
11 mailed to us via regular mail or via certified
12 mail.

13 I get all of my mail here. We
14 don't have a problem with mail delivery at this
15 address. That was at our old address at the
16 condominium that we had a problem with obtaining
17 certified mail. But we get all of our notices
18 and all of our mail delivered here. And we have
19 received nothing indicating this hearing.

20 This hearing is only the day after
21 tomorrow, and you're indicating that there's a
22 morning and an afternoon hearing, which is all

1 day. There is no way in 24 hours I'm going to be
2 able to get the time off. That is not going to
3 be possible. We need to give five days written
4 notice in order to do that. That's why I was
5 calling you, because we have something going on
6 the morning of the 12th. And had I heard back --
7 (message ends.)

8 Wednesday, 1:03 a.m. Sorry, Anna
9 Kasanovich Hessel again. I always get cut off on
10 your voice mail.

11 I left a message for our witness
12 and explained the situation to her, but she needs
13 more than 24-hours notice also. She doesn't work
14 but she's my baby-sitter.

15 So, anyway, also we're kind of
16 confused, because we understand about a hearing
17 but we don't understand what this conference is.
18 We never agreed to any type of conference. Both
19 the lady at the Citizen's Utility Board that I
20 spoke with and our private attorney at Evans,
21 Loewenstein & Shimanovsky told us to not trust
22 Mr. Jacobson in any way, shape or form from

1 Commonwealth Edison.

2 Commonwealth Edison has not
3 performed the load test we requested. They have
4 not provided us with the current bills for that
5 address. Because we're in very cold weather now,
6 we're in very frigid weather and, you know, if
7 they're saying that this is heat or this is how
8 much it costs to heat that little house, then we
9 need to see the bills from this year with a
10 larger family living in there to find out why
11 ours were the amount that they were.

12 None of these things have been
13 provided to us from Commonwealth Edison, and I
14 feel that we should have the right to have our
15 attorney review them and have more time than an
16 hour to review these materials.

17 So, you know, at this point, we
18 really don't know what we can do here. I cannot
19 put my only livelihood in jeopardy. That would
20 be completely unrealistic. And we have received
21 nothing by mail. I did request that it be sent
22 via regular mail so that we didn't have any

1 problem with certified mail. And I can
2 understand it arriving a few days later, if it
3 was sent out in December, the 16th -- (message
4 ends.)

5 Wednesday, 1:06 a.m. Sorry, Anna
6 Kasanovich Hessel again. I got cut off.

7 Also, you will be able to reach me
8 probably tomorrow at home in the morning, it's a
9 Serbian Orthodox holy day, it's Christmas, so
10 I'll be home tomorrow, which will make it even
11 more difficult to get Thursday off.

12 Anyway, we have no problems
13 receiving our mail. I can see if it was sent out
14 on the 15th or 16th, it taking an extra day or
15 two so close to the Christmas season. But we've
16 been receiving our mail, no problem at all.
17 Stuff that comes from Springfield, actually, not
18 from the Commission but another Springfield
19 address usually arrives within three days to our
20 home. We had something sent from North Chicago,
21 which is way out near Waukegan, the Wisconsin
22 border, and it was sent yesterday and we received

1 it today.

2 So I really don't think that that
3 notice was sent out. I will check with the chief
4 clerk's office in regards to it again tomorrow to
5 see if it was sent, but I don't believe that it
6 was mailed. And you know, we really need
7 something in writing and we need five days notice
8 in order to, you know, attend. I, you know,
9 certainly want to attend and participate, but we
10 need more notice than 24 hours. You know, I
11 don't think anybody would be expected to attend
12 something like this without at least a couple of
13 days notice. And this is, you know, this is 24
14 hours. I just don't see how we can do that.

15 Again, we have not received,
16 absolutely positively have not received anything
17 by mail from the Commission in regards to this
18 hearing or any matter. The only thing we have
19 received has been a letter from Commonwealth
20 Edison stating that they weren't able to do a
21 load test -- (message ends.)

22 Wednesday, 1:08 a.m. So, anyway,

1 if you could please give me a call at your
2 convenience. I know that you're busy and that
3 you have other -- you know, you have other cases
4 and other hearings. I understand that. But, you
5 know, we still need to be able to have the proper
6 notification on these matters, 630-833-0812, if
7 you can, you know, at your convenience try to
8 catch me tomorrow, Wednesday, I would appreciate
9 that. I really shouldn't be dealing with any of
10 this on the holiest day on the Serbian church
11 calendar, but I guess I have no choice.

12 But I will -- you know, I will try
13 to make some phone calls tomorrow. I just put in
14 a phone call to my witness to see what we can do
15 about obtaining time off on Thursday, but I would
16 say it's probably next to impossible on this
17 short of notice.

18 I had -- you know, I had placed a
19 phone call to you last week and this week
20 inquiring about why we have not yet received
21 notice from the Commission in this matter. Maybe
22 it does need to be sent out certified mail then,

1 so that you know it has been received.

2 I know I had requested otherwise,

3 but we never received it. And had it been sent

4 via regular mail, I just don't see why we

5 wouldn't have. We get all of our other mail.

6 I'm not missing any mail whatsoever, whether it

7 be from my bank or my employer or friends,

8 family, whatever, we receive all of our mail, you

9 know, in a completely timely fashion.

10 And I would have called you at the

11 very end of December, on the 30th or 31st, but of

12 course I assumed that, you know, you were

13 probably out of the office being that it was a

14 holiday. I believe I placed my first phone call

15 to you around like the 2nd, the 2nd or the 3rd of

16 January, because I was told that the hearing

17 would be sometime in January -- (message ends.)

18 Wednesday, 1:11 a.m. Sorry, Anna

19 Kasanovich Hessel again. I don't mean to be

20 taking up all your voice mail slots, but I want

21 to make sure that you're getting these messages,

22 since I've left a few in the past.

1 Like I said, I started calling on
2 the 2nd or 3rd of January to find out, you know,
3 the date of this hearing, because we have not
4 received the notification. I'm sure the
5 notification exists because you read it to me on
6 my voice mail, but we have never received it.

7 So, you know, we do need to get
8 that issue addressed, because I just can't see
9 how we can get the time off this quickly. I just
10 don't -- it's impossible.

11 You know, maybe with three days
12 notice, it would be possible, but normally, our
13 requirement is five days and we have to give
14 written, you know, and the request can be denied
15 for time off. And 24 hours, when we just had a
16 holy day off, it will be denied. My husband and
17 I also work for the same people and that means
18 two people off, so, you know, we really need to
19 give the required amount of notice.

20 And also, our attorney and the
21 Citizen's Utility Board have advised us against
22 having any type of conference with Commonwealth

1 Edison. We are relying on the Commission and
2 yourself to make a judgment ruling, which
3 according to the booklet that I read, after you
4 make that judgment ruling, if we disagree with
5 it, we have the right to appeal. At that point,
6 then we have a right to a trial by jury in an
7 actual circuit court. We pray it doesn't get to
8 that point. But we have been advised by legal
9 counsel to not agree to any off-the-record
10 hearing with Commonwealth Edison because they put
11 words in our mouth and -- (message ends.)

12 Wednesday, 1:14 a.m. Sorry, Anna
13 Kasanovich Hessel again. I apologize. I
14 certainly hope I'm not taking up all of your
15 voice mail slots.

16 But anyway, so that's kind of how
17 we stand on that because Mr. Jacobson has --
18 well, he's been an actual pest. And at one
19 point, our attorney advised us to file criminal
20 charges against him, which we've not done because
21 we're not those type of people. But we have no
22 personal relationship with this man. And you

1 know, we feel we need to keep this on a business
2 level. That's the reason that we involved the
3 Commission, for your knowledge and your expertise
4 in these matters.

5 So, anyway, if you can please give
6 me a call so we can get this straightened out,
7 we'd appreciate it very much, 630-833-0812.

8 Honey, was that all I was supposed
9 to mention? Okay. Yeah, that's probably it. We
10 will look forward to hearing from you. I'm
11 really praying tomorrow, January 7th, so that we
12 can get this issue resolved by the 8th, I will be
13 placing a call to the chief clerk's office
14 because I'd really like to know why that was not
15 mailed out. That concerns me very much.

16 But I know probably Christmastime,
17 you know, maybe someone forgot or dropped the
18 ball or whatever. But we have received
19 absolutely positively, without a shadow of a
20 doubt, no notification whatsoever in regards to
21 this hearing from the Commission in writing, via
22 telephone at all. That's the reason I've been

1 calling you and calling you and making a pest of
2 myself, because we wanted to know when our
3 hearing was going to be.

4 And like I said, we do have a
5 witness, so we need to work around her schedule,
6 we have to work around the schedule of my little
7 girl. There's a lot of schedules that we have to
8 work around here in order to attend this. So we
9 look forward to hearing from you tomorrow. We do
10 appreciate -- (message ends.)

11 Wednesday, 1:16 a.m. Sorry, Judge
12 Brodsky, Anna Kasanovich Hessel again. I'll try
13 to make this my last message.

14 One last thing that I had just
15 remembered, when we got the letter from
16 Commonwealth Edison, and this is going back
17 several, several weeks, well before Christmas
18 when we first just moved in here. We moved in
19 here right before Thanksgiving. We received a
20 letter from them, stating that they could not do
21 a foreign load test. We want a foreign load test
22 done.

1 They said something about that it
2 couldn't be done, something about the guy who
3 read the meter or something said it couldn't be
4 done. I have the letter. I have to pull it out
5 of a basket. They didn't indicate how he came to
6 his decision of the foreign load test.

7 But anyway, I know these are
8 things that need to be discussed in the hearing,
9 but the reason I bring this up is, other than the
10 meter reading, the meter reading paper, which we
11 don't fully understand because my husband and I
12 don't do this kind of work, my husband would
13 understand a little bit better than I do, there
14 has been no other documentation sent to us from
15 Commonwealth Edison, the documentaion as to
16 foreign load test, the bills that we requested.

17 We've also requested our own
18 bills, we haven't even received those. And we
19 really need more than a couple of hours or a day
20 to review these things and also to have our
21 attorney and the Citizen's Utility Board review
22 them prior to the hearing. ComEd has completely

1 been 100 percent uncooperative, because they told
2 us when you left the room, that you're going to
3 rule in their favor. And I feel that I would
4 certainly -- I would certainly hope that you are
5 going to listen to all the facts before making a
6 ruling. If it's Commonwealth Edison's feeling
7 that you are going to rule in their favor,
8 sobeit, but we have the legal right to present
9 our piece and, you know, present our case to the
10 best of our ability -- (message ends.)

11 Wednesday, 1:18 a.m. Sorry, Anna
12 Kasanovich Hessel again. I apologize for being a
13 pest. I think -- you know, I think of things and
14 I say them and then, unfortunately, the voice
15 mail cuts me off.

16 So, anyway, we've not had the
17 opportunity to review any of the documents we've
18 asked to review in any way, shape or form from
19 Commonwealth Edison. And we would like to have
20 them looked over by legal counsel, we would like
21 to have them looked over by an electrician,
22 et cetera, et cetera. Unfortunately, a lot of

1 these things have not yet occurred.

2 So, you know, we're not experts in
3 this. So, you know, we kind of need to know what
4 we need to do so that we're treated fairly in
5 regards to this hearing. You know, Commonwealth
6 Edison only cares about Commonwealth Edison, they
7 don't care about their customers.

8 So, anyway, if you could please
9 give us a call when you get this on January 7th,
10 I would very, very much appreciate it. Again, we
11 do appreciate your efforts. I apologize for any
12 confusion, I apologize if I took up your whole
13 voice mail. I just wanted to make sure that
14 these messages got through to you. Thank you
15 very much and have a blessed day. Bye-bye.

16 Wednesday, 1:25 a.m. Hi, Judge
17 Brodsky. Sorry, Anna Kasanovich Hessel again.
18 You will be getting another message from me later
19 but I forgot to mark it urgent, so I'm calling
20 back with this new message now, so you'll get all
21 my messages in a row and you can, you know, kind
22 of be finished with me.

1 Anyway, I just thought of
2 something, and I knew I would think of something
3 the minute I hung up the phone. We don't have
4 internet service. My husband and I can't afford
5 internet service, it's too expensive. We are on
6 very strict budgets due to the fact we are both
7 ill and I'm legally handicapped, so we can't
8 afford internet service.

9 We can access the internet from
10 the library, we don't get to do it that often,
11 you know, just because of work schedules, child,
12 et cetera, but if anything was sent to us via
13 your website, we've never been to the ICC website
14 or the Commonwealth Edison website, so if
15 anything was sent to us via the website, we
16 certainly won't receive it.

17 You know, pretty much snail mail
18 and voice mail for, you know, talking on the
19 telephone is the best way to communicate with us.
20 We don't even have a cell phone, but we do have
21 voice mail, as you know, in our home. But
22 anything if it was -- you know, if that

1 notification was sent by website or something, no
2 wonder we didn't receive it.

3 I had specifically requested that
4 we be contacted, you know, via regular U.S. mail,
5 or you know, in this case, by telephone. But in
6 terms of the written notification, please by
7 snail mail. Thank you much. Bye-bye.

8 Wednesday, 1:23 a.m. Hi,
9 Mr. Brodsky. Sorry, Anna Kasanovich Hessel
10 again, I just forgot something. I knew I'd
11 forget something the minute I hung up.

12 We don't have internet, my husband
13 and I can't afford internet service and we don't
14 have it. I could access the internet at a
15 library, but I don't get a chance to do that all
16 that often, so we've never been to your ICC
17 website or the Commonwealth Edison website or
18 anything else. So if stuff has been sent to us
19 via the website or whatever, there's no way we
20 would receive it. It really needs to be sent to
21 us via regular plain old snail mail or telephone.
22 You know, telephone, we do have voice mail, as

1 you know, but we do not have internet service in
2 terms of having to doing anything on the website.
3 Sorry. Thanks. Bye.

4 Wednesday, 1:01 p.m. Hi, Judge
5 Brodsky. This is Anna Kasanovich Hessel again.
6 I hate to be a pest. I left like nine messages
7 for you yesterday. And I'm sorry if I'm being a
8 pest, but I'm just calling to say that I'm going
9 to call the chief clerk's office because we never
10 received our notice for tomorrow's hearing.

11 Our employer has denied a request
12 for another day off this week. They need five
13 days notice in writing in order for us to be able
14 to take any unpaid or paid time off. That's the
15 rule and they cannot change it because then they
16 would have to change it for everybody. So we
17 will need five days notice in order to attend a
18 hearing.

19 And my little girl is at Nanna's
20 this week, so I have not even heard from my
21 witness, who is her baby-sitter. I put two calls
22 into her yesterday, I am still waiting to hear

1 from her in regards to her availability. But as
2 long as she has a couple of days notice, two or
3 three, even if we had to bring the child with us
4 to the hearing, we could bring crayons and some
5 books and her children's Bible and that sort of
6 thing.

7 So if you could please, please,
8 please get in touch with the chief clerk's office
9 at your convenience so that we can get this
10 settled and, you know, we can get this hearing
11 taken care of. But we are unable, due to the
12 fact we were only given 24 hours notice, to get
13 the time for tomorrow. So please, please give us
14 a call at your convenience, 630-833-0812.

15 We're on our way -- as you know,
16 it's a Serbian holy day today, we are on our way
17 out to meet with friends, attend church and have
18 a dinner thing, so we will not be here the rest
19 of the afternoon. I did wait the morning to see
20 if you would call. So if you could please give
21 us a call, I would appreciate it so that we can
22 get this resolved -- (message ends.)

1 Hi, Judge Brodsky. This is Anna
2 Kasanovich Hessel again. I hate to be a pest. I
3 left like nine messages for you yesterday. And
4 I'm sorry if I'm being a pest, but I'm just
5 touching base, and I'm going to call the chief
6 clerk's office, because we never received our
7 notice for tomorrow's hearing.

8 Our employer has denied a request
9 for another day off this week. They need five
10 days notice in writing in order for us to be able
11 to take any unpaid or paid time off. That's the
12 rule and they cannot change it because then
13 they'd have to change it for everybody.

14 So we will need five days notice
15 in order to attend a hearing. And my little girl
16 is at Nanna's this week, so I have not even heard
17 from my witness, who is her baby-sitter, and of
18 course, friend. Yet for some reason, the letter
19 for the continuance was sent to the Hinsdale
20 address, which was my former address that I had
21 moved out of six weeks ago. It was a temporary
22 address -- Duffy, please get out of the Christmas

1 tree, baby. Thank you. Sorry. It was sent
2 there. I am getting Maggie to fax me proof that
3 it was sent to a wrong address. I cannot be
4 expected to put mine and my husband's source of
5 income in jeopardy by attending this hearing
6 tomorrow, when it was sent to a blatantly wrong
7 address, an address that should have been changed
8 because I made sure the new address was given
9 during the hearing on November 12th. So there's
10 no excuse why it should have gone out to the
11 wrong address. I just think that this is more of
12 Com Ed's game-playing.

13 So she's sending me the fax. I'm
14 going to fax it to you this evening when I get
15 home from church. When I get it from Maggie, I
16 will fax it to you. I have a fax number for you.
17 But the reason I did not receive the hearing
18 notice for tomorrow is because I was given -- it
19 was sent to a wrong address, even though I
20 updated my record with my new address. So it was
21 sent to the Hinsdale address, there is proof,
22 written proof that it was sent to the wrong

1 address. So the hearing will need to be
2 rescheduled. I hate to bother you -- (message
3 ends.)

4 Wednesday, 1:17 a.m. Hi,
5 Mr. Brodsky this is Anna Kasanovich Hessel
6 again, I sincerely apologize for being a pest and
7 I sincerely apologize for causing your day to be
8 any more hectic than it already is.

9 But this just is more of ComEd's
10 game-playing and sabotage and it makes me very,
11 very angry. You know, it's really very upsetting
12 that that went to a wrong address when it should
13 not have. So I will fax that out to you this
14 evening. Again, from the bottom of my heart, I
15 apologize for being a pest. I don't mean to be
16 and I'm certainly not blaming you and I'm
17 certainly not blaming Maggie or Francene or
18 anyone else for this error. I know human error
19 does occur, but I blame ComEd in this.

20 So if we could get this resolved
21 as soon as possible, I would appreciate it.
22 Thank you very much. Sorry I didn't get to speak

1 with you personally. Please have a blessed day.

2 Thank you, God bless. Bye-bye.

3 2:56 a.m. Hi, Judge Brodsky.

4 This is Anna Kasanovich Hessel. I have left a
5 number of urgent messages for you. I spoke with
6 your secretary today -- or one of the secretaries
7 in your unit today. I spoke with chief clerk's
8 office, met with a very polite woman by the name
9 of Maggie.

10 I was informed that the letter was
11 definitely, definitely sent to a wrong address.
12 It was sent to our former address, not our
13 current address. We did not receive the letter.
14 We cannot be expected to attend a hearing when we
15 didn't receive notification of said hearing. And
16 therefore, we need a different hearing date. We
17 need at least five days notice.

18 If you want to inform us by
19 telephone, that's fine, but we need to be
20 informed. There is really no excuse that the
21 letter should have gone to the wrong address
22 because during the November 12th hearing, phone

1 hearing, Commonwealth Edison, I made the new
2 address clear. We have received correspondence
3 from Commonwealth Edison to that new address.
4 And the new address was given for the formal
5 complaint purposes during the phone hearing on
6 November 12th.

7 So this is in no way our fault.
8 We are in no way responsible for this. And we
9 cannot be expected to attend a hearing when, in
10 fact, we had no idea there was a hearing because
11 we did not receive the correspondence, it was
12 sent to the wrong address. And no one has
13 changed the new address, because they didn't have
14 the capabilities to do that in the chief clerk's
15 office. So I don't know who is responsible for
16 that, but the correct and new address, which
17 Commonwealth Edison is well-aware of, it was
18 given on November 12th during the -- (message
19 ends.)

20 2:58 a.m. This is Anna Kasanovich
21 Hessel. Got cut off, as usual. 717 North
22 Willow, Elmhurst, Illinois 60126.

1 The Hinsdale address at 68 Kingery
2 Corner, we move out of there over six weeks ago.
3 We moved out of there two or three days after the
4 November 12th phone hearing. So there was
5 absolutely no excuse why the letter was sent to
6 the Hinsdale address and not the correct address
7 in Elmhurst.

8 Therefore, we need a new hearing
9 date, please. Again, that's the new address. If
10 there's someone else that I need to fax or talk
11 to to update this record, I'd be more than happy
12 to do that. But we have not heard from you,
13 despite numerous messages left on your voice
14 mail.

15 If you could please, you know, at
16 your convenience, I realize that you have other
17 cases and that you're very busy, and we do
18 apologize, you know, for being pests in this
19 matter. But we would appreciate it if at your
20 convenience, if we could hear from yourself or
21 your secretary or whoever so that we know that
22 this matter has been taken care of. Phone

1 No. 630-833-0812.

2 I did try calling you during
3 normal business hours today -- yesterday, I
4 should say, the 7th; however, you were in
5 hearings. So the best I can do is leave another
6 voice mail at this point.

7 We will look forward to hearing
8 from you and being informed of the hearing date.
9 We do need five days notice. We would prefer
10 being informed in writing to the correct address
11 this time -- (message ends.)

12 3:01 a.m. Sorry, Anna Kasanovich
13 Hessel again. I got cut off. You know, we would
14 appreciate the record being updated to reflect
15 the new address, which should have occurred after
16 the November 12th hearing and, apparently,
17 something fell through the cracks and this did
18 not occur.

19 Our witness, Cheryl Miller, has
20 bronchitis and I finally got ahold of her today
21 and, you know, in regards to this, and again, we
22 need at least five days notice for ourself and

1 our witness. And there's no reason why that
2 letter should have went to the wrong address.
3 There's really no excuse for that at all.

4 So if this, you know, could be
5 addressed and taken care of properly, we would
6 appreciate it very much. Again, we do appreciate
7 your efforts and we're sorry to have to bother
8 you so much in regards to this matter, but it's
9 an important matter and, therefore, we need it to
10 be handled properly.

11 Again, we appreciate your time,
12 consideration and effort in this. I also faxed
13 you so that you had something in writing in
14 regards to this. So a fax did go out to you to
15 your fax number and also to Ms. Feinberg of
16 Commonwealth Edison.

17 Thank you very much. Again,
18 please accept our sincerest apologies for having
19 to leave so many voice mails. We will look
20 forward to hearing from you. Thank you again and
21 have a blessed day.

22 3:06 a.m. Anna Kasanovich Hessel

1 again. Sorry, I forgot something, which I
2 mentioned in one of your previous voice mails,
3 but I'm not even sure you're receiving them since
4 we haven't heard from you.

5 November 12th, which I have
6 mentioned previously in one of your voice mails,
7 before we even knew -- before you had called us
8 and mentioned that there was a hearing date for
9 tomorrow that we were not informed of or by the
10 time you get this today, November 12th, we were
11 having our phone service switched in our home and
12 we need to be home for that. And that's probably
13 going to be an all-day affair because they're
14 laying new phone lines, et cetera. We have an
15 older house. So November 12th has already been
16 committed for that and already have requested
17 time off for that.

18 But providing we have five-day
19 written notice, getting time off from work should
20 not be that difficult, but we cannot be expected
21 to do it within 24 hours. I don't think any
22 employer would comply with this. So I did want

1 to mention again the November 12th date that, you
2 know, the November 12th date we are committed.

3 Again, I apologize for having to
4 be such a pest and having to leave all these
5 numerous messages. This all could have been
6 avoided and we could have been in attendance at
7 the hearing had the letter gone to the correct
8 address. So I'm not sure where the ball dropped
9 on that, but the correct address was made known
10 by us. Thank you very much. Have a blessed day
11 and a blessed week.

12 3:10 a.m. Sorry, Anna Kasanovich
13 Hessel again, thought of something else. We were
14 supposed to receive a fax from the chief clerk's
15 office today with the proof that the letter was
16 sent to the wrong address, with the incorrect
17 address on the letter. We were supposed to have
18 received that via fax with the chief clerk's
19 office.

20 We have left our fax modem on all
21 day because it comes straight through our phone
22 number. We did not receive the fax. But I will

1 make it a point when I'm able to tomorrow, which
2 is going to be very difficult for me to be able
3 to do on Thursday due to my schedule, but I will
4 try to give the chief clerk's office a call maybe
5 sometime around lunchtime or very late in the
6 day, find out why we did not receive the fax.
7 Because they had the correct number to fax and
8 they knew it was a phone answering machine.

9 I do believe that Maggie was
10 sincere, because she was quite polite and quite
11 nice in regards to saying she would send out the
12 fax. So I'm not sure why we didn't receive it,
13 but we did not.

14 There were a couple of phone calls
15 right before we left the house for our Christmas
16 event day of one ring, and it rang once about
17 three times and then nothing occurred, so we're
18 thinking that maybe they did try to fax and for
19 some reason it only rang once. But we definitely
20 have not yet received that fax that we were
21 promised from the chief clerk's office,
22 indicating the wrong address that the letter was

1 sent to.

2 Again, I'm sorry for being a pest,
3 but I think of these things -- (message ends.)

4 3:11 a.m. Hi, Judge Brodsky.

5 Anna Kasanovich Hessel again. Sorry, I just
6 wanted to call, I got cut off again on my phone
7 message. I'm just really exhausted with this
8 whole state of affairs. So I just wanted to call
9 and again apologize for having to leave so many
10 voice mails.

11 I tried to track you down today
12 but, you know, was unable to. And I just wanted
13 to make sure that my messages are getting
14 through. So, again, I'm very sorry for any
15 inconvenience on your part, but we just don't
16 understand, you know, where the ball got dropped
17 here.

18 So, again, we apologize for having
19 to leave so many voice mails and for being a
20 pest, but do want this situation resolved. Thank
21 you very much. Again, we do appreciate your
22 efforts and, you know, sorry for the confusion in

1 this matter. Thank you and good night.

2 (Message ends.)

3 THE COURT: So that is all of the messages
4 that have been left for me by Ms. Hessel this
5 week. And I think it's -- at this point, I have
6 a couple of comments just to follow up with.

7 It should be apparent that notice
8 is not actually sent by the website, as Ms.
9 Hessel has postulated. It was merely presented
10 as an option for her to follow the case and one
11 that she did not object to when it was presented
12 or did not indicate that it was not a
13 possibility. But in any case, the option is
14 there.

15 And she had mentioned that Fran
16 had been provided a note, it contained no content
17 other than to check my voice mail. And
18 obviously, there were some messages there.

19 Now, Ms. Hessel also mentioned
20 that she was sending a fax. You have that at
21 this time, correct?

22 MS. FRANCO-FEINBERG: Yes, your Honor.

1 THE COURT: I have actually not seen it.
2 Now, I don't know if it didn't come to the fax
3 machine. And I also don't know where or who
4 provided the fax number, because I do not accept
5 fax. So I don't know what all this fax is, which
6 is not to imply that I accept voice mail either,
7 but at least we've made a record of that.

8 So what is it -- what is your
9 position as to the status of this fax?

10 MS. FRANCO-FEINBERG: I'm not certain I
11 understood the question, your Honor.

12 I would note for the record that
13 ComEd did receive a fax from Ms. Hessel. It is
14 dated January 8th at about 2:53 in the morning.
15 It is directed to your Honor, Judge Brodsky, and
16 we are cc'd on it. It largely provides the same
17 information that was stated in the 22 voice mails
18 that were just entered into the record.

19 THE COURT: Okay. Well, as long as it was
20 sent to you, then there's really not a problem
21 with it. And if Ms. Hessel decides that there's
22 new content, then I'm sure she'll be more than

1 happy to provide it.

2 So with all of that, is there any
3 further comment that you feel you need to address
4 today as to the matters that were contained --

5 MS. FRANCO-FEINBERG: If I may, your Honor,
6 make a few points for the record.

7 THE COURT: Very well.

8 MS. FRANCO-FEINBERG: First of all, needless
9 to say, and ComEd will not belabor the record by
10 going into all the various mischaracterizations
11 of ComEd's actions, statements and obligations
12 that Ms. Hessel stated in her voice mail, but to
13 be clear, ComEd at no point advised Ms. Hessel,
14 either by myself or through Mr. Jacobs'
15 statements that it would provide any kind of
16 change of notice of address to the chief clerk.
17 ComEd is not under any obligation to do so and
18 never advised Ms. Hessel that we would, in fact,
19 do so.

20 In fact, the transcript of the
21 November 12, 2003 hearing clearly indicates that
22 Judge Brodsky advised her that she needed to send

1 a letter and ComEd never advised her anything
2 other than what was stated at that hearing.

3 With respect to the November 12th
4 hearing, the matter was continued in an effort to
5 allow the parties to potentially informally
6 resolve the matter, to allow -- potentially to
7 end the need for any type of more form
8 evidentiary hearing on this matter.

9 To that end, ComEd has made
10 repeated attempts to contact the Hessels to
11 discuss this matter informally to determine if
12 any mutually agreeable resolution could be
13 reached. Mr. Jacobs, who Ms. Hessel in her voice
14 mail refers to as Mr. Jacobson, formerly of
15 ComEd's regulatory strategies department, made
16 those various phone calls and was not ever able
17 to reach the Hessels. Regardless of the time of
18 day during the business day that we tried to
19 reach them, it immediately goes into voice mail
20 and it's not possible to actually communicate
21 directly with them. But ComEd has made various
22 attempts to try to reach them and to try to

1 resolve this matter informally.

2 And then with respect to her voice
3 mails that indicate that somehow ComEd is
4 delinquent with the provision of documents. In
5 this case, ComEd would note that at this
6 juncture, the case has been continued to
7 determine if the parties could informally resolve
8 the matter and is not yet in any kind of
9 discovery schedule. So there's no delinquency on
10 ComEd's part at all.

11 THE COURT: Okay. Thank you.

12 So, I think at this juncture, I
13 don't know that there's any productivity gained
14 by setting a discovery schedule today in the
15 absence of Ms. Hessel. I think it would be best
16 for her to be present for that discussion, so
17 that there aren't any misunderstandings that may
18 generate themselves from that type of setting of
19 a schedule and to allow Ms. Hessel also to ask
20 any procedural questions she may have as to
21 discovery.

22 So what we're going to do is

1 continue the matter. I'm going to set it down
2 for 2:00 o'clock on February 5th. That's almost
3 a month from now. And certainly there should be
4 plenty of time for her to get notice of that date
5 and to take whatever steps she needs to take with
6 it.

7 I'm going to include in the notice
8 a ruling that no party is to contact me in the
9 absence of the other party to the matter and that
10 no facsimile is to be sent.

11 That leaves open, obviously,
12 proper filings with the clerk's office done in
13 writing, and that is the manner in which things
14 are to be done.

15 So with that, what we will do is
16 we'll continue the matter. And that continuance
17 certainly should alleviate any kind of problem
18 that Ms. Hessel felt would have accrued to her
19 had there been substantive action taken on the
20 matter today.

21 So with that said, we will adjourn
22 until 2:00 o'clock on February 5th. Thank you.

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(Whereupon, this hearing
was continued to
February 5, 2004.)

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CERTIFICATE OF REPORTER

STATE OF ILLINOIS)
COUNTY OF COOK) SS:

CASE NUMBER: 03-0666
TITLE: Anna K. Hessell

 I, Carla Camiliere, do hereby certify that I
am a court reporter contracted by SULLIVAN
REPORTING COMPANY, of Chicago, Illinois; that I
reported in shorthand the evidence taken and the
proceedings had on the hearing on the
above-entitled case on the 8th day of January
A.D. 2004; that the foregoing 46 pages are a true
and correct transcript of my shorthand notes so
taken as aforesaid, and contains all of the
proceedings direct by the Commission or other
person authorized by it to conduct the said
hearing to be stenographically reported. Dated
at Chicago, Illinois, this 24th day of January
A.D. 2004.

Carla L. Camiliere, CSR

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No.03-0666

State of Illinois
ILLINOIS COMMERCE COMMISSION

(To be filed with the Chief Clerk)

MINUTES

Chicago, Illinois
January 8, 2004

Case No. 03-0666

Subject: Anna K. Hessel

HEARD BY: Judge Brodsky, Administrative Law

Judge APPEARANCES AND ADDRESSES:
Felicia Franco-Feinberg
10 S. Dearborn, Floor 35
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(312) 394-3019

DISPOSITION
Continued to 2/5/04 @ 2:00 p.m.

EXHIBITS FILED
none

REPORTED BY:
SULLIVAN REPORTING COMPANY, by
Carla L. Camiliere, CSR

REMARKS: Orig to Commission Pgs. 18-66 (47pgs)
CC: None